B104 (FORM 104) (08/07)

EDVA

ADVERSARY PROCEEDING COVER SHEI (Instructions on Reverse)	ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS	DEFENDANTS
Leonard Edward Fields Carolyn Ann Fields	U.S. Bank National Association Ocwen Loan Servicing, LLC & C. Grice McMullan, Jr.
ATTORNEYS (Firm Name, Address, and Telephone No.) Gates Law P.O. Box 187 Chesterfield, VA 23832 - (804) 748-0382	ATTORNEYS (If Known) Robertson, Anschultz & Schneid, P.I. McCabe, Weisbert & Conway, LLC
PARTY (Check One Box Only) ☑ Debtor □ U.S. Trustee/Bankruptcy Admin □ Creditor □ Other □ Trustee CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE	PARTY (Check One Box Only) □ Debtor □ U.S. Trustee/Bankruptcy Admin □ Creditor □ Other □ Trustee
Complaint to determine secured status and to strip lien effective up	**
NATURE (Number up to five (5) boxes starting with lead cause of action as 1	
FRBP 7001(1) - Recovery of Money/Property 11-Recovery of money/property - §542 turnover of property 12-Recovery of money/property - §548 fraudulent transfer 13-Recovery of money/property - other FRBP 7001(2) - Validity, Priority or Extent of Lien 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) - Approval of Sale of Property 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) - Objection/Revocation of Discharge 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) - Revocation of Confirmation 51-Revocation of confirmation FRBP 7001(6) - Dischargeability 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)	FRBP 7001(6) — Dischargeability (continued) 61-Dischargeability - §523(a)(5), domestic support 68-Dischargeability - §523(a)(6), willful and malicious injury 63-Dischargeability - §523(a)(8), student loan 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) 65-Dischargeability - other FRBP 7001(7) — Injunctive Relief 71-Injunctive relief — imposition of stay 72-Injunctive relief — other FRBP 7001(8) Subordination of Claim or Interest 81-Subordination of claim or interest 81-Subordination of claim or interest 91-Declaratory Judgment 91-Declaratory judgment O1-Determination of removed claim or cause Other SS-SIPA Case — 15 U.S.C. §§78aaa et.seq. 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
□ Check if this case involves a substantive issue of state law	☐ Check if this is asserted to be a class action under FRCP 23
□ Check if a jury trial is demanded in complaint	Demand \$
Other Relief Sought such other and further relief as the Court may deem appropriate	

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BANKRUPTCY CASE	IN WHICH T	HIS ADVERSARY PROCEED	ING ARISES
NAME OF DEBTOR Leonard Edward Fields & Carolyn Ann Fields		BANKRUPTCY CASE N 16-31326-KLP	O.
DISTRICT IN WHICH CASE IS PENDING Eastern District of Virginia		DIVISION OFFICE Richmond	NAME OF JUDGE Keith L. Phillips
RELAT	ED ADVERSA	RY PROCEEDING (IF ANY)	
PLAINTIFF	DEFENI	DANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING		DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINT /s/ Timothy A. Hennigan	TFF)	,	,
DATE	l»	PRINT NAME OF ATTO	PRNEY (OR PLAINTIFF)
October 18, 2016		Timothy A. Hennigan	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet, *unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

*Per LBR 7003-1, in the EDVA, a properly completed Adversary Proceeding Cover Sheet is required.

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

In re: LEONARD EDWARD FIELDS, CAROLYN ANN FIELDS,

Case No. 16-31326-KLP Chapter 13

Adv. Pro. No.: _____

Debtors,

2508 Royall Ave. Richmond, VA 23224

Last 4 digits of SSN: 7365 Last 4 digits of SSN: 3822

LEONARD EDWARD FIELDS, CAROLYN ANN FIELDS,

v.

Plaintiffs,

U.S. BANK NATIONAL ASSOCIATION, OCWEN LOAN SERVICING, LLC, Servicer

C. GRICE MCMULLAN, JR, Trustee

Defendants.

COMPLAINT TO DETERMINE SECURED STATUS OF U.S. BANK NATIONAL ASSOCIATION, AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE

COME NOW, Leonard Edward Fields and Carolyn Ann Fields (the "Debtors") by and through their undersigned counsel, and file this Complaint to Determine Secured Status of U.S. Bank National Association, and to Strip Lien, pursuant to FRBP 7001(2), and in support thereof state as follows:

The Debtors filed a petition for relief under Chapter 13 of the Bankruptcy
 Code on March 18, 2016.

- 2. The Debtors own real property (the "Real Property") located at 2508
 Royall Avenue, Richmond, VA (City of Richmond), and more particularly described in
 the Deed of Bargain and Sale attached hereto as Exhibit A.
 - 3. The Real Property is encumbered by two deeds of trust:
- (a) Rushmore Loan Management Services LLC as servicing agent for Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, as trustee for Normandy Mortgage Loan Tryst, Series 2016-1, account no. 7600032936, holds the first deed of trust recorded on April 24, 2006 as Instrument #06-12994 in the official records of Richmond City Circuit Court, and has filed a Proof of Claim (claim no. 8) in the amount of \$96,392.16.
- (b) U.S. Bank National Association, account no. 1481, holds the second deed of trust recorded on April 24, 2006, as Instrument #06-12995 in the official records of Richmond City Circuit Court. This second deed of trust is serviced by Ocwen Loan Servicing, LLC (creditor and servicer hereinafter referred to collectively as "Ocwen"). Ocwen has not filed a proof of claim in the instant bankruptcy; however the debtors have scheduled the balance at \$19,955.04.
- 4. Based on the real estate tax bill attached hereto as Exhibit B, the value of the Real Property as of the petition date was \$62,000.00.
 - 5. Accordingly, Ocwen's deed of trust is completely unsecured.

WHEREFORE, the Debtors respectfully requests that the Court enter and order (a) granting the motion, (b) determining the value of the property to be \$62,000.00, (c) determining that Ocwen's deed of trust is completely unsecured and shall therefore be treated as unsecured regardless of whether any claim has been filed or is later filed, (d)

voiding Ocwen's deed of trust effective upon discharge, (e) ordering Ocwen to file a lien release in the official records of the Richmond Circuit Court effective upon discharge, and (f) granting such other and further relief as the Court deems appropriate.

Respectfully submitted,

LEONARD EDWARD FIELDS CAROLYN ANN FIEDLS

By: /s/ Timothy A. Hennnigan

Exhibit A

Mail to Grantee's Address

DEED OF BARGAIN AND SALE

DATE OF DEED: January 22, 1988

BOOK O155 PAGE OF GO

GRANTOR(S): WYNDELL M. HOWARD and FRANCES M. HOWARD, his wife,

GRANTEE(S): WILLIAM E. FIELDS, LEONARD E. FIELDS and CAROLYN A. FIELDS,
his wife,
GRANTEE'S ADDRESS: 2508 Royall Avenue, Richmond, VA 23224

For Ten Dollars (\$10.00) and other valuable

consideration, the receipt of which is hereby acknowledged,
the Grantor(s) hereby grant and convey, subject to such
matters as are set out herein with GENERAL WARRANTY AND

ENGLISH COVENANTS Of TITLE, unto the Grantee(s) as follows:
 William E. Fields, a one-half undivided interest as his sole and
 separate equitable estate as set forth in Schedule "B" hereto
 attached and to Leonard E. Fields and Carolyn A. Fields, his wife, as
 tenants by the entirety with the right of survivorship as at
 common law, a one-half undivided interest,
the real estate described in Schedule "A" hereto attached
and made a part hereof.

This conveyance is made subject to such conditions. restrictions and easements of record as may legally affect the real estate hereby conveyed.

Words of any gender used in this instrument shall be held to include any other gender, and words in the singular shall be held to include the plural when the sense requires.

WITNESS the following signature(s) and seal(s).

Windell M. Howard (SEAL)

Frances M. Howard (SEAL)

800K 0155 PAGE 0161

STATE OF VIRGINIA

20 1200

老子子/COUNTY OF RICHMOND

The foregoing instrument was acknowledged in my presence by Wyndell M. Howard and Frances M. Howard, his wife,

on this the 25th day of Jonuary

1988.

My commission expires: 12-09-98

Notary Public

Grantee's Address:

2508 Royall Avenue Richmond, VA 23224

800K 0155 PAGE 0162

SCHEDULE 'A'

ALL THAT CERTAIN LOT. PIECE OR PARCEL OF LAND WITH THE IMPROVEMENTS THEREON AND APPURTENANCES THERETO BELONGING. SITUATE. LYING AND BEING IN THE CITY OF RICHMOND, VIRGINIA DESIGNATED AND DESCRIBED AS LOT 9. SQUARE 2. MELROSE AS SHOWN ON PLAT OF SURVEY MADE BY ROBERT M. BLANKENSHIP, III C.L.S., DATED JULY 5. 1977 AND RECORDED JULY 14, 1977 A COPY OF WHICH PLAT IS ATTACHED TO AND RECORDED WITH THAT CERTAIN DEED RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT, CITY OF RICHMOND, VIRGINIA IN DEED BOOK 514 PAGES 358 THROUGH 361, TO WHICH REFERENCE IS MADE FOR A MORE PARTICULAR DESCRIPTION.

BEING THE SAME REAL ESTATE CONVEYED TO WYNDELL M. HOWARD AND FRANCES M. HOWARD. HIS WIFE BY DEED FROM JOSEPH V. THOMAS, JR. AND MYRNA S. THOMAS, HIS WIFE DATED JULY 7, 1977 AND RECORDED JULY 14. 1977 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF CITY OF RICHMOND, VIRGINIA IN IN DEED BOOK 514 PAGE 358.

Attached to the Deed from Wyndell M. & Frances M. Howard

WIRCINITA.

TOTAL

BOOK 0155 PAGE 0163

Schedule "B"

Conveys a one half undivided interest to William E. Fields

The property hereinabove described is to be held and owned
by the Grantee in his own right and as his sole separate
equitable estate as if he were an unmarried man for his sole and
separate use and benefit, free from the control and marital right
of any present or any future wife, the right of dower of his present or
any future wife in and to the aforesaid property being hereby
expressly excluded, but with full and complete power to the said
Grantee to sell, convey, devise by will, encumber by deed of
trust or otherwise dispose of said property during Grantee's
lifetime, without any instrument, disposing of said property or
encumbering the same, requiring the uniting of any present or any
future wife.

THE SHEET OF THE				
IN THE CLERI	K'S OFFICE OF	THE CIRCUIT CO	OURT OF THE CIT	TY OF RICHMOND
			exed, admitted to rec	
	AN. 28 1988	at 3	o'clock () M	
The Tax imposed	i by Sec. 58.1-802	Code of Va. has bee	en noid	•
301 Clerk's Fee	s 10.00	Code of va. has occ	in paid.	1
212 Transfer Fee	\$ 1.00		10.01.	Tip Ida
039 State Tax	s 70.50	Milai)	Carolyn	0.1-01000
214 City Tax	\$ 23.50	TESTE:	J	
220 City Grantors Tax	\$23.50	1012		7) 0
038 State Grantors Tax			as cr. C	Leydy-

Iva R. Purdy, Clerk

Exhibit B

City OI Richmona City Assessor's Office Richmond, Virginia 23219

RETURN SERVICES REQUESTED

2016 NOTICE OF GENERAL REASSESSMENT

Notice Date: June 25, 2015

4415

FIELDS LEONARD E & CAROLYN A 2508 ROYALL AVE RICHMOND VA 23224-7712



THIS IS NOT A TAX BILL

Code of Virginia § 58.1-3330 requires that a notice of reassessment be malled to the property owner's last known address.

The City of Richmond reassesses all real estate each January 1 in compliance with VA Code § 58.1-3330 and City of Richmond Code § 98-39. Unless revised, the following Proposed Assessment will be certified on the 2016 land book.

Map Reference:

S0071577009

Council District:

Property Address: 2508 Royall Ave

Assessment Area: 358

Legal Description: MELROSE L9 B2

2016 Proposed Assessment		2015 Prior-Year Assessment		2014 Prior-Year Assessment	
Land	\$10,000	Land	\$10,000	Land	\$10,000
Building	\$52,000	Building	\$66,000	Building	\$66,000
Total	\$62,000	Total	\$76,000	Total	\$76,000

2016 Tax Rate:

2015 Tax Rate:

\$1.20/\$100

2014 Tax Rate:

\$1.20/ \$100

2016 Annual Tax: \$744

2015 Annual Tax: \$912

2014 Annual Tax: \$912

Annual % Change: -18.42%

2015 Annual % Change: 0.00%

Note: The above tax amounts do not include Area Tax, Special District Tax, Rehab Credits or other fees.

The 2016 Proposed Assessment is subject to revision if an error is discovered or property characteristics change by December 31, 2015.

The 2016 Proposed Assessment will be certified to the Department of Finance for real estate billing after the owner has had an opportunity to file an Application for Office Review. Such application must be properly completed and filed with the City Assessor no later than July 31, 2015. The application form and filing instructions can be obtained at the City Assessor's Office during normal business hours (8:00 a.m. - 5:00 p.m.) Monday through Friday, or at www.richmondgov.com/Assessor. Supporting sales data and comparable property assessment information is available at this office or on the department's website.

If the above mailing address is incorrect, please notify the Office of City Assessor promptly.

CERTIFICATE OF SERVICE

I certify that on October 18, 2016, a copy of the foregoing Complaint with Exhibits and Adversary Proceeding Cover Sheet was mailed via first class mail, postage prepaid, to all necessary parties in interest as set forth on the attached mailing matrix.

/s/ Timothy A. Hennigan

U.S. Bank National Association c/o Ocwen Loan Servicing, LLC P.O. Box 24781 West Palm Beach, FL 33416-4781

U.S. Bank National Association c/o Robertson, Anschultz & Schneid, P.I. Bankruptcy Department 6409 Congress Ave., Suite 100 Boca Raton, FL 33487

Ocwen Loan Servicing, LLC as Servicer for U.S. Bank National Association, P.O. Box 24781
West Palm Beach, FL 33416-4781

Ocwen Loan Servicing, LLC as Servicer for U.S. Bank National Association, c/o McCabe, Weisbert & Conway, LLC 312 Marshall Ave., Suite 800 Laurel, MD 20707

C. Grice McMullan, Jr., as Trustee 100 Shockoe Slip Richmond, VA 23219

Office of the U.S. Trustee 701 E. Broad Street, Suite 4304 Richmond, VA 23219

Suzanne E. Wade, Chapter 13 Trustee P.O. Box 1780 Richmond, VA 23218